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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* INGEBORG ANDERSSON, JOHAN ANDERSSON, KJELL SVENSSON, and STEFAN FRENNEMO

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Appeal 2015-002469
Application 12/196,962[1]
Technology Center 2100

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Before JOHN A. EVANS, JASON J. CHUNG, and JOHN D. HAMANN, *Administrative Patent Judges*.

HAMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants file this appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–12 and 14–50. We have jurisdiction under 35 U.S.C. § 6(b). We heard oral arguments on January 6, 2017. A transcript of the Oral Hearing will be added to the record in due course.

We reverse.

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[1] According to Appellants, the real party in interest is ABB AB. App. Br. 2.

## THE CLAIMED INVENTION

Appellants' claimed invention relates to computer based process control systems, including such systems that use containers and provide for controlling real world objects. Spec. ¶ 2.

Claim 1 is illustrative of the subject matter of the appeal and is reproduced below.

> 1. Method of enabling control, in at least one first computerised control system, of a real world object provided in relation to a second computerised control system, where said first system comprises at least one container for control of the real world object in the first system and being linked to at least one aspect representing data or operations of the container and where said real world object is represented in the second system by an originating container being linked to at least one originating aspect representing data or operations of the originating container, comprising the steps of:
>
> creating, in the first system, a proxy container corresponding to the originating container in the second system,
>
> creating aspects corresponding to originating aspects of the originating container,
>
> linking said created aspects to the created proxy container,
>
> receiving, in the proxy container, an access request to a function related to the proxy container,
>
> locating an aspect associated with the function,
>
> determining whether the aspect is a first aspect being a copy of an originating aspect of the second system or a second proxy aspect,
>
> invoking a function in the first system of said first aspect if the aspect is a first aspect being a copy of an originating aspect of the second system, and
>
> invoking a function in the second system associated with a corresponding originating aspect via said second proxy aspect if the aspect is a second proxy aspect;
>
> wherein the second system restricts for which originating containers a proxy container can be created.

REJECTIONS ON APPEAL

(1) The Examiner rejected claims 1–5, 7–12, 14–21, and 23–50 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hansen et al. (WO 2004/057470 A1; July 8, 2004) (hereinafter "Hansen"), Muga Nishizawa et al., *Remote Pointcut — A Language Construct for Distributed AOP*, AOSD '04 International Conference on Aspect-Oriented Software Development, Lancaster UK (March 2004) (hereinafter "Nishizawa"), and Larsen (US 2007/0192363; Aug. 16, 2007).

(2) The Examiner rejected claims 6 and 22 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hansen, Nishizawa, Larsen, and Barney et al. (US 2001/0005846 A1; June 28, 2001).

DISPOSITIVE ISSUE ON APPEAL

The dispositive issue for this appeal is whether Larsen teaches or suggests "wherein the second system restricts for which originating containers a proxy container can be created," as recited in independent claims 1, 17, 27, 28, 36–38, 41, 44, and 50.

ANALYSIS

Appellants argue the combination of Hansen, Nishizawa, and Larsen, — particularly Larsen, which the Examiner cites for teaching the disputed limitation — fails to teach or suggest that the second system *restricts* which originating containers can be proxied. *See* App. Br. 24–27; Reply Br. 7. Specifically, Appellants argue Larsen instead teaches "analyzing a

particular data fragment . . . and then linking an appropriate application to operate on the data fragment." Reply Br. 6–7 (citing Larsen Fig. 2; ¶ 49); *see also* App. Br. 25.

The Examiner finds Larsen teaches or suggests the disputed limitation. *See* Ans. 5–6, 9–10. The Examiner finds Larsen teaches or suggests "a document owning certain aspects, which is analogous to originating container; and a document referencing to an aspect owned by another document, which is analogous to the claimed proxy container." Ans. 5. The Examiner also finds Larsen further teaches "analyzing and determining (through an artificial intelligence mechanism) which documents can refer to which aspects owned by other documents; which in return implements a restriction on the creation of references; i.e. proxy containers." *Id.* at 5–6, 9–10 (citing Larsen ¶¶ 49 (finding teaching of "analyzing aspects owned by a document and then linking the appropriate aspects to appropriate applications"), 94–95 (finding teaching of a detailed decision mechanism to employ with the referencing and restriction classification); Fig. 5).

We are persuaded by Appellants' arguments. We find the cited portions of Larsen fail to teach or suggest restricting for which originating containers a proxy container can be created. *See* Larsen ¶¶ 49, 94–95. We agree with Appellants that Larsen instead teaches analyzing a data fragment to link it to an appropriate application to operate on the data fragment. *See id.* These teachings fail to teach or suggest that a data fragment is *restricted* from being referenced, contrary to the Examiner's findings. *See id.*

Accordingly, we do not sustain the Examiner's rejection of claims 1, 17, 27, 28, 36–38, 41, 44, and 50, nor the remaining claims on appeal, each of which depend, at least indirectly, from one of these independent claims.

## DECISION

We reverse the Examiner's decision rejecting claims 1–12 and 14–50.

REVERSED